

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA**

MATTHEW J. CARONE, as Trustee for the Carone Marital Trust #2 UTD 1/26/00, Carone Gallery, Inc. Pension Trust, Carone Family Trust, Carone Marital Trust #1 UTD 1/26/00 and Matthew D. Carone Revocable Trust, JAMES JORDAN, as Trustee for The James A. Jordan Living Trust, ELAINE ZIFFER, an individual, and FESTUS AND HELEN STACY FOUNDATION, INC., a Florida corporation,

CASE NO. 12-24051 (07)  
COMPLEX LITIGATION UNIT

Plaintiffs,

v.

MICHAEL D. SULLIVAN, individually,

Defendant.

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**CONSERVATOR'S MOTION TO REOPEN CASE**

COMES NOW, Philip J. von Kahle (the "**Conservator**"), as Conservator for P&S Associates, General Partnership and S&P Associates, General Partnership (the "**Partnerships**") hereby files this Conservator's Motion to Reopen Case (the "**Motion**") seeking to reopen the above captioned case. In support of this Motion, the Conservator respectfully states the following:

1. This Court and the parties-in-interest are familiar with the saga of this case. The Partnerships were forced to face the reality that their investments were embroiled in a fraud of epic proportions. These partners are victims of the notorious Bernard L. Madoff Investment Securities LLC ("**BLMIS**") 1 Ponzi scheme. Management was withholding information and the assets faced further waste and deterioration absent new leadership or organization.

2. To save the partnerships from collapsing under the weight of the litigation and to protect the Partnerships from former management, on January 17, 2013, this Court appointed

Philip J. von Kahle as Conservator. The Conservator was challenged to bring order to the chaos and protect all parties' interests.

3. After interim distributions the Case is reclosed by the Court.

4. The Conservator now respectfully comes before this Court via this Motion, seeking to reopen the above captioned case to file its proposed seventh distributions to partners an interim report, along with an eighth application for payment.

5. On May 4, 2020, Conservator filed Conservator's Proposed Sixth Distribution to Partners and Interim Report and Seventh Application for Allowance and Payment of Compensation and Reimbursement of Expenses for the Conservator, Messana, P.A., as Counsel, and Rosenbaum Sobel, LLC, as Accountants (the "**Distribution and Application**").

6. On August 13, 2020, this Court entered the Omnibus Order (1) Approving the Conservator's Interim Report, Approving the Conservator's Sixth Distribution to Partners and Granting the Conservator, Messana, P.A., as Counsel, and Rosenbaum Sobel, LLC, as Accountants [sic] Seventh Application for Allowance and Payment of Compensation and Reimbursement of Expenses, (2) Overruling Burt Moss's Objection, and (3) Denying Conservator's Motion to Strike (the "**Order on Distribution and Application**").

7. The Distribution and Application and the Order on Distribution and Application ***are not*** final dispositions of the above captioned case. Conservator still must, among other things, administer remaining assets and make further distributions regarding the Partnerships and compensate professionals regarding same.

WHEREFORE, Conservator respectfully requests this Court enter an order: (1) granting this Motion; (2) re-opening the above captioned case; and (3) granting any further or additional relief this Court finds necessary or appropriate.

Dated: May 5, 2022.

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By: /s/ Thomas M. Messana  
Thomas M. Messana  
Florida Bar No. 991422

By: /s/ Philip J. von Kahle  
Philip J. von Kahle  
Court Appointed Conservator